

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

**PLAINTIFF'S MOTION FOR LEAVE
TO EXCEED WORD LIMIT FOR
MOTION TO COMPEL**

NOTE ON MOTION CALENDAR:
Tuesday, January 23, 2024

Pursuant to Local Rule 7(f), the FTC respectfully requests leave to file its Motion to Compel Production of Documents Clawed Back During Plaintiff's Investigation (the "Motion to Compel") in excess of the 4,200-word limit imposed by Local Rule 7(e)(4). In support of its motion, the FTC states as follows:

1. As previously disclosed to, and approved by, the Court, the FTC is preparing its Motion to Compel, which will ask the Court to compel the production of a subset of the documents that were previously the subject of the FTC's Motion to Desequester (Dkt. #4). *See*

1 Dkt. #89 (denying FTC’s Motion to Desequester “without prejudice to the [the FTC’s] ability to
2 seek these documentst through discovery in this matter”).

3 2. As of yesterday, the FTC had prepared a near-final draft of the Motion that was
4 approximately 4,200 words long, in compliance with Local Rule 7(e)(4). The full use of the
5 word limit was necessary given the complex factual background and procedural history
6 regarding Amazon’s clawbacks. *See also* Dkt. #6 ¶ 2 (justifying FTC’s request for 5,900-word
7 limit for Motion to Desequester).

8 3. The FTC notified Amazon last Wednesday, January 17, that the FTC planned to
9 file, with its Motion to Compel, certain documents that Amazon had deemed Confidential under
10 the Protective Order (Dkt. #124). This notification was required by the Protective Order and
11 Local Rule 5(g). One of those documents identified by the FTC was the version of “IC-37”¹ that
12 Amazon produced one year ago, on February 14, 2023. Notably, this is the version of IC-37 that
13 Amazon produced to the FTC *after* it already had clawed back an earlier version of IC-37.

14 4. Late last night, Amazon informed the FTC that it was clawing back IC-37 yet
15 again.

16 5. Although the FTC has asked Amazon to reconsider its clawback, the FTC
17 currently plans to add to its Motion to Compel a request to compel the production of the version
18 of IC-37 that Amazon clawed back late last night.

19 6. To accommodate the addition of IC-37 to the Motion to Compel, the FTC
20 respectfully requests that the Court permit it to exceed the 4,200-word limit by 1,000 words.

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23 ¹ The *in camera* (“IC”) documents are listed and described in Dkt. #90-2 at 326-32.

LOCAL RULE 7(e) CERTIFICATION

I certify that this memorandum contains 372 words, in compliance with the Local Civil Rules.

Dated: January 23, 2024

/s/ Evan Mendelson

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